

Introduced by Senator BurtonMarch 4, 2004

An act to amend Section 12071 of the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 1900, as introduced, Burton. Firearms.

Existing law generally regulates firearms dealers and the transfer of firearms.

This bill would make a technical, nonsubstantive change to those provisions.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 12071 of the Penal Code is amended to
2 read:
3 12071. (a) (1) As used in this chapter, the term "licensee,"
4 "person licensed pursuant to Section 12071," or "dealer" means
5 a person who has all of the following:
6 (A) A valid federal firearms license.
7 (B) Any regulatory or business license, or licenses, required by
8 local government.
9 (C) A valid seller's permit issued by the State Board of
10 Equalization.
11 (D) A certificate of eligibility issued by the Department of
12 Justice pursuant to paragraph (4).
13 (E) A license issued in the format prescribed by paragraph (6).



1 (F) Is among those recorded in the centralized list specified in
2 subdivision (e).

3 (2) The duly constituted licensing authority of a city, county, or
4 a city and county shall accept applications for, and may grant
5 licenses permitting, licensees to sell firearms at retail within the
6 city, county, or city and county. The duly constituted licensing
7 authority shall inform applicants who are denied licenses of the
8 reasons for the denial in writing.

9 (3) No license shall be granted to any applicant who fails to
10 provide a copy of his or her valid federal firearms license, valid
11 seller's permit issued by the State Board of Equalization, and the
12 certificate of eligibility described in paragraph (4).

13 (4) A person may request a certificate of eligibility from the
14 Department of Justice and the ~~Department of Justice~~ *department*
15 shall issue a certificate to an applicant if the department's records
16 indicate that the applicant is not a person who is prohibited from
17 possessing firearms.

18 (5) The department shall adopt regulations to administer the
19 certificate of eligibility program and shall recover the full costs of
20 administering the program by imposing fees assessed to applicants
21 who apply for those certificates.

22 (6) A license granted by the duly constituted licensing
23 authority of any city, county, or city and county, shall be valid for
24 not more than one year from the date of issuance and shall be in
25 one of the following forms:

26 (A) In the form prescribed by the Attorney General.

27 (B) A regulatory or business license that states on its face
28 "Valid for Retail Sales of Firearms" and is endorsed by the
29 signature of the issuing authority.

30 (C) A letter from the duly constituted licensing authority
31 having primary jurisdiction for the applicant's intended business
32 location stating that the jurisdiction does not require any form of
33 regulatory or business license or does not otherwise restrict or
34 regulate the sale of firearms.

35 (7) Local licensing authorities may assess fees to recover their
36 full costs of processing applications for licenses.

37 (b) A license is subject to forfeiture for a breach of any of the
38 following prohibitions and requirements:

1 (1) (A) Except as provided in subparagraphs (B) and (C), the
2 business shall be conducted only in the buildings designated in the
3 license.

4 (B) A person licensed pursuant to subdivision (a) may take
5 possession of firearms and commence preparation of registers for
6 the sale, delivery, or transfer of firearms at gun shows or events,
7 as defined in Section 178.100 of Title 27 of the Code of Federal
8 Regulations, or its successor, if the gun show or event is not
9 conducted from any motorized or towed vehicle. A person
10 conducting business pursuant to this subparagraph shall be entitled
11 to conduct business as authorized herein at any gun show or event
12 in the state without regard to the jurisdiction within this state that
13 issued the license pursuant to subdivision (a), provided the person
14 complies with (i) all applicable laws, including, but not limited to,
15 the waiting period specified in subparagraph (A) of paragraph (3),
16 and (ii) all applicable local laws, regulations, and fees, if any.

17 A person conducting business pursuant to this subparagraph
18 shall publicly display his or her license issued pursuant to
19 subdivision (a), or a facsimile thereof, at any gun show or event,
20 as specified in this subparagraph.

21 (C) A person licensed pursuant to subdivision (a) may engage
22 in the sale and transfer of firearms other than pistols, revolvers, or
23 other firearms capable of being concealed upon the person, at
24 events specified in subdivision (g) of Section 12078, subject to the
25 prohibitions and restrictions contained in that subdivision.

26 A person licensed pursuant to subdivision (a) also may accept
27 delivery of firearms other than pistols, revolvers, or other firearms
28 capable of being concealed upon the person, outside the building
29 designated in the license, provided the firearm is being donated for
30 the purpose of sale or transfer at an auction or similar event
31 specified in subdivision (g) of Section 12078.

32 (D) The firearm may be delivered to the purchaser, transferee,
33 or person being loaned the firearm at one of the following places:

34 (i) The building designated in the license.

35 (ii) The places specified in subparagraph (B) or (C).

36 (iii) The place of residence of, the fixed place of business of,
37 or on private property owned or lawfully possessed by, the
38 purchaser, transferee, or person being loaned the firearm.

1 (2) The license or a copy thereof, certified by the issuing
2 authority, shall be displayed on the premises where it can easily be
3 seen.

4 (3) No firearm shall be delivered:

5 (A) Within 10 days of the application to purchase, or, after
6 notice by the department pursuant to subdivision (d) of Section
7 12076, within 10 days of the submission to the department of any
8 correction to the application, or within 10 days of the submission
9 to the department of any fee required pursuant to subdivision (e)
10 of Section 12076, whichever is later.

11 (B) Unless unloaded and securely wrapped or unloaded and in
12 a locked container.

13 (C) Unless the purchaser, transferee, or person being loaned the
14 firearm presents clear evidence of his or her identity and age to the
15 dealer.

16 (D) Whenever the dealer is notified by the Department of
17 Justice that the person is in a prohibited class described in Section
18 12021 or 12021.1 of this code or Section 8100 or 8103 of the
19 Welfare and Institutions Code. The dealer shall make available to
20 the person in the prohibited class a prohibited notice and transfer
21 form, provided by the department, stating that the person is
22 prohibited from owning or possessing a firearm, and that the
23 person may obtain from the department the reason for the
24 prohibition.

25 (4) No pistol, revolver, or other firearm or imitation thereof
26 capable of being concealed upon the person, or placard advertising
27 the sale or other transfer thereof, shall be displayed in any part of
28 the premises where it can readily be seen from the outside.

29 (5) The licensee shall agree to and shall act properly and
30 promptly in processing firearms transactions pursuant to Section
31 12082.

32 (6) The licensee shall comply with Sections 12073, 12076, and
33 12077, subdivisions (a) and (b) and paragraph (1) of subdivision
34 (f) of Section 12072, and subdivision (a) of Section 12316.

35 (7) The licensee shall post conspicuously within the licensed
36 premises the following warnings in block letters not less than one
37 inch in height:

38 (A) "IF YOU KEEP A LOADED FIREARM WITHIN ANY
39 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
40 A PERSON UNDER 18 YEARS OF AGE OBTAINS IT AND

1 USES IT, RESULTING IN INJURY OR DEATH, OR CARRIES
2 IT TO A PUBLIC PLACE, YOU MAY BE GUILTY OF A
3 MISDEMEANOR OR A FELONY UNLESS YOU STORED
4 THE FIREARM IN A LOCKED CONTAINER OR LOCKED
5 THE FIREARM WITH A LOCKING DEVICE, TO KEEP IT
6 FROM TEMPORARILY FUNCTIONING.”

7 (B) “IF YOU KEEP A PISTOL, REVOLVER, OR OTHER
8 FIREARM CAPABLE OF BEING CONCEALED UPON THE
9 PERSON, WITHIN ANY PREMISES UNDER YOUR
10 CUSTODY OR CONTROL, AND A PERSON UNDER 18
11 YEARS OF AGE GAINS ACCESS TO THE FIREARM, AND
12 CARRIES IT OFF-PREMISES, YOU MAY BE GUILTY OF A
13 MISDEMEANOR, UNLESS YOU STORED THE FIREARM IN
14 A LOCKED CONTAINER, OR LOCKED THE FIREARM
15 WITH A LOCKING DEVICE, TO KEEP IT FROM
16 TEMPORARILY FUNCTIONING.”

17 (C) “IF YOU KEEP ANY FIREARM WITHIN ANY
18 PREMISES UNDER YOUR CUSTODY OR CONTROL, AND
19 A PERSON UNDER 18 YEARS OF AGE GAINS ACCESS TO
20 THE FIREARM, AND CARRIES IT OFF-PREMISES TO A
21 SCHOOL OR SCHOOL-SPONSORED EVENT, YOU MAY BE
22 GUILTY OF A MISDEMEANOR, INCLUDING A FINE OF UP
23 TO FIVE THOUSAND DOLLARS (\$5,000), UNLESS YOU
24 STORED THE FIREARM IN A LOCKED CONTAINER, OR
25 LOCKED THE FIREARM WITH A LOCKING DEVICE.”

26 (D) “DISCHARGING FIREARMS IN POORLY
27 VENTILATED AREAS, CLEANING FIREARMS, OR
28 HANDLING AMMUNITION MAY RESULT IN EXPOSURE
29 TO LEAD, A SUBSTANCE KNOWN TO CAUSE BIRTH
30 DEFECTS, REPRODUCTIVE HARM, AND OTHER SERIOUS
31 PHYSICAL INJURY. HAVE ADEQUATE VENTILATION AT
32 ALL TIMES. WASH HANDS THOROUGHLY AFTER
33 EXPOSURE.”

34 (E) “FEDERAL REGULATIONS PROVIDE THAT IF YOU
35 DO NOT TAKE PHYSICAL POSSESSION OF THE FIREARM
36 THAT YOU ARE ACQUIRING OWNERSHIP OF WITHIN 30
37 DAYS AFTER YOU COMPLETE THE INITIAL
38 BACKGROUND CHECK PAPERWORK, THEN YOU HAVE
39 TO GO THROUGH THE BACKGROUND CHECK PROCESS

1 A SECOND TIME IN ORDER TO TAKE PHYSICAL
2 POSSESSION OF THAT FIREARM.”

3 (F) “NO PERSON SHALL MAKE AN APPLICATION TO
4 PURCHASE MORE THAN ONE PISTOL, REVOLVER, OR
5 OTHER FIREARM CAPABLE OF BEING CONCEALED
6 UPON THE PERSON WITHIN ANY 30-DAY PERIOD AND
7 NO DELIVERY SHALL BE MADE TO ANY PERSON WHO
8 HAS MADE AN APPLICATION TO PURCHASE MORE
9 THAN ONE PISTOL, REVOLVER, OR OTHER FIREARM
10 CAPABLE OF BEING CONCEALED UPON THE PERSON
11 WITHIN ANY 30-DAY PERIOD.”

12 (8) (A) Commencing April 1, 1994, and until January 1, 2003,
13 no pistol, revolver, or other firearm capable of being concealed
14 upon the person shall be delivered unless the purchaser, transferee,
15 or person being loaned the firearm presents to the dealer a basic
16 firearms safety certificate.

17 (B) Commencing January 1, 2003, no dealer may deliver a
18 handgun unless the person receiving the handgun presents to the
19 dealer a valid handgun safety certificate. The firearms dealer shall
20 retain a photocopy of the handgun safety certificate as proof of
21 compliance with this requirement.

22 (C) Commencing January 1, 2003, no handgun may be
23 delivered unless the purchaser, transferee, or person being loaned
24 the firearm presents documentation indicating that he or she is a
25 California resident. Satisfactory documentation shall include a
26 utility bill from within the last three months, a residential lease, a
27 property deed, or military permanent duty station orders indicating
28 assignment within this state, or other evidence of residency as
29 permitted by the Department of Justice. The firearms dealer shall
30 retain a photocopy of the documentation as proof of compliance
31 with this requirement.

32 (D) Commencing January 1, 2003, except as authorized by the
33 department, no firearms dealer may deliver a handgun unless the
34 recipient performs a safe handling demonstration with that
35 handgun. The demonstration shall commence with the handgun
36 unloaded and locked with the firearm safety device with which it
37 is required to be delivered, if applicable. While maintaining
38 muzzle awareness, that is, the firearm is pointed in a safe direction,
39 preferably down at the ground, and trigger discipline, that is, the
40 trigger finger is outside of the trigger guard and along side of the



1 handgun frame, at all times, the handgun recipient shall correctly
2 and safely perform the following:

3 (i) If the handgun is a semiautomatic pistol:

4 (I) Remove the magazine.

5 (II) Lock the slide back. If the model of firearm does not allow
6 the slide to be locked back, pull the slide back, visually and
7 physically check the chamber to ensure that it is clear.

8 (III) Visually and physically inspect the chamber, to ensure that
9 the handgun is unloaded.

10 (IV) Remove the firearm safety device, if applicable. If the
11 firearm safety device prevents any of the previous steps, remove
12 the firearm safety device during the appropriate step.

13 (V) Load one bright orange, red, or other readily identifiable
14 dummy round into the magazine. If no readily identifiable dummy
15 round is available, an empty cartridge casing with an empty primer
16 pocket may be used.

17 (VI) Insert the magazine into the magazine well of the firearm.

18 (VII) Manipulate the slide release or pull back and release the
19 slide.

20 (VIII) Remove the magazine.

21 (IX) Visually inspect the chamber to reveal that a round can be
22 chambered with the magazine removed.

23 (X) Lock the slide back to eject the bright orange, red, or other
24 readily identifiable dummy round. If the handgun is of a model that
25 does not allow the slide to be locked back, pull the slide back and
26 physically check the chamber to ensure that the chamber is clear.
27 If no readily identifiable dummy round is available, an empty
28 cartridge casing with an empty primer pocket may be used.

29 (XI) Apply the safety, if applicable.

30 (XII) Apply the firearm safety device, if applicable. This
31 requirement shall not apply to an Olympic competition pistol if no
32 firearms safety device, other than a cable lock that the department
33 has determined would damage the barrel of the pistol, has been
34 approved for the pistol, and the pistol is either listed in paragraph
35 (2) of subdivision (h) of Section 12132 or is subject to paragraph
36 (3) of subdivision (h) of Section 12132.

37 (ii) If the handgun is a double-action revolver:

38 (I) Open the cylinder.

39 (II) Visually and physically inspect each chamber, to ensure
40 that the revolver is unloaded.

- 1 (III) Remove the firearm safety device. If the firearm safety
- 2 device prevents any of the previous steps, remove the firearm
- 3 safety device during the appropriate step.
- 4 (IV) While maintaining muzzle awareness and trigger
- 5 discipline, load one bright orange, red, or other readily identifiable
- 6 dummy round into a chamber of the cylinder and rotate the
- 7 cylinder so that the round is in the next-to-fire position. If no
- 8 readily identifiable dummy round is available, an empty cartridge
- 9 casing with an empty primer pocket may be used.
- 10 (V) Close the cylinder.
- 11 (VI) Open the cylinder and eject the round.
- 12 (VII) Visually and physically inspect each chamber to ensure
- 13 that the revolver is unloaded.
- 14 (VIII) Apply the firearm safety device, if applicable. This
- 15 requirement shall not apply to an Olympic competition pistol if no
- 16 firearms safety device, other than a cable lock that the department
- 17 has determined would damage the barrel of the pistol, has been
- 18 approved for the pistol, and the pistol is either listed in paragraph
- 19 (2) of subdivision (h) of Section 12132 or is subject to paragraph
- 20 (3) of subdivision (h) of Section 12132.
- 21 (iii) If the handgun is a single-action revolver:
- 22 (I) Open the loading gate.
- 23 (II) Visually and physically inspect each chamber, to ensure
- 24 that the revolver is unloaded.
- 25 (III) Remove the firearm safety device required to be sold with
- 26 the handgun. If the firearm safety device prevents any of the
- 27 previous steps, remove the firearm safety device during the
- 28 appropriate step.
- 29 (IV) Load one bright orange, red, or other readily identifiable
- 30 dummy round into a chamber of the cylinder, close the loading
- 31 gate and rotate the cylinder so that the round is in the next-to-fire
- 32 position. If no readily identifiable dummy round is available, an
- 33 empty cartridge casing with an empty primer pocket may be used.
- 34 (V) Open the loading gate and unload the revolver.
- 35 (VI) Visually and physically inspect each chamber to ensure
- 36 that the revolver is unloaded.
- 37 (VII) Apply the firearm safety device, if applicable. This
- 38 requirement shall not apply to an Olympic competition pistol if no
- 39 firearms safety device, other than a cable lock that the department
- 40 has determined would damage the barrel of the pistol, has been



1 approved for the pistol, and the pistol is either listed in paragraph
2 (2) of subdivision (h) of Section 12132 or is subject to paragraph
3 (3) of subdivision (h) of Section 12132.

4 (E) The recipient shall receive instruction regarding how to
5 render that handgun safe in the event of a jam.

6 (F) The firearms dealer shall sign and date an affidavit stating
7 that the requirements of subparagraph (D) have been met. The
8 firearms dealer shall additionally obtain the signature of the
9 handgun purchaser on the same affidavit. The firearms dealer shall
10 retain the original affidavit as proof of compliance with this
11 requirement.

12 (G) The recipient shall perform the safe handling
13 demonstration for a department certified instructor.

14 (H) No demonstration shall be required if the dealer is
15 returning the handgun to the owner of the handgun.

16 (I) Department certified instructors who may administer the
17 safe handling demonstration shall meet the requirements set forth
18 in subdivision (j) of Section 12804.

19 (J) The persons who are exempt from the requirements of
20 subdivision (b) of Section 12801, pursuant to Section 12807, are
21 also exempt from performing the safe handling demonstration.

22 (9) Commencing July 1, 1992, the licensee shall offer to
23 provide the purchaser or transferee of a firearm, or person being
24 loaned a firearm, with a copy of the pamphlet described in Section
25 12080 and may add the cost of the pamphlet, if any, to the sales
26 price of the firearm.

27 (10) The licensee shall not commit an act of collusion as
28 defined in Section 12072.

29 (11) The licensee shall post conspicuously within the licensed
30 premises a detailed list of each of the following:

31 (A) All charges required by governmental agencies for
32 processing firearm transfers required by Sections 12076, 12082,
33 and 12806.

34 (B) All fees that the licensee charges pursuant to Sections
35 12082 and 12806.

36 (12) The licensee shall not misstate the amount of fees charged
37 by a governmental agency pursuant to Sections 12076, 12082, and
38 12806.

39 (13) The licensee shall report the loss or theft of any firearm
40 that is merchandise of the licensee, any firearm that the licensee

1 takes possession of pursuant to Section 12082, or any firearm kept
2 at the licensee's place of business within 48 hours of discovery to
3 the appropriate law enforcement agency in the city, county, or city
4 and county where the licensee's business premises are located.

5 (14) Any time when the licensee is not open for business, the
6 licensee shall store all firearms kept in his or her licensed place of
7 business using one of the following methods as to each particular
8 firearm:

9 (A) Store the firearm in a secure facility that is a part of, or that
10 constitutes, the licensee's business premises.

11 (B) Secure the firearm with a hardened steel rod or cable of at
12 least one-eighth inch in diameter through the trigger guard of the
13 firearm. The steel rod or cable shall be secured with a hardened
14 steel lock that has a shackle. The lock and shackle shall be
15 protected or shielded from the use of a bolt cutter and the rod or
16 cable shall be anchored in a manner that prevents the removal of
17 the firearm from the premises.

18 (C) Store the firearm in a locked fireproof safe or vault in the
19 licensee's business premises.

20 (15) The licensing authority in an unincorporated area of a
21 county or within a city may impose security requirements that are
22 more strict or are at a higher standard than those specified in
23 paragraph (14).

24 (16) Commencing January 1, 1994, the licensee shall, upon the
25 issuance or renewal of a license, submit a copy of the same to the
26 Department of Justice.

27 (17) The licensee shall maintain and make available for
28 inspection during business hours to any peace officer, authorized
29 local law enforcement employee, or Department of Justice
30 employee designated by the Attorney General, upon the
31 presentation of proper identification, a firearms transaction
32 record.

33 (18) (A) On the date of receipt, the licensee shall report to the
34 Department of Justice in a format prescribed by the department the
35 acquisition by the licensee of the ownership of a pistol, revolver,
36 or other firearm capable of being concealed upon the person.

37 (B) The provisions of this paragraph shall not apply to any of
38 the following transactions:

39 (i) A transaction subject to the provisions of subdivision (n) of
40 Section 12078.



1 (ii) The dealer acquired the firearm from a wholesaler.

2 (iii) The dealer is also licensed as a secondhand dealer pursuant
3 to Article 4 (commencing with Section 21625) of Chapter 9 of
4 Division 8 of the Business and Professions Code.

5 (iv) The dealer acquired the firearm from a person who is
6 licensed as a manufacturer or importer to engage in those activities
7 pursuant to Chapter 44 (commencing with Section 921) of Title 18
8 of the United States Code and any regulations issued pursuant
9 thereto.

10 (v) The dealer acquired the firearm from a person who resides
11 outside this state who is licensed pursuant to Chapter 44
12 (commencing with Section 921) of Title 18 of the United States
13 Code and any regulations issued pursuant thereto.

14 (19) The licensee shall forward in a format prescribed by the
15 Department of Justice, information as required by the department
16 on any firearm that is not delivered within the time period set forth
17 in Section 178.102 (c) of Title 27 of the Code of Federal
18 Regulations.

19 (20) (A) Firearms dealers may require any agent who handles,
20 sells, or delivers firearms to obtain and provide to the dealer a
21 certificate of eligibility from the department pursuant to paragraph
22 (4) of subdivision (a). The agent or employee shall provide on the
23 application, the name and California firearms dealer number of the
24 firearms dealer with whom he or she is employed.

25 (B) The department shall notify the firearms dealer in the event
26 that the agent or employee who has a certificate of eligibility is or
27 becomes prohibited from possessing firearms.

28 (C) If the local jurisdiction requires a background check of the
29 agents or employees of the firearms dealer, the agent or employee
30 shall obtain a certificate of eligibility pursuant to subparagraph
31 (A).

32 (D) Nothing in this paragraph shall be construed to preclude a
33 local jurisdiction from conducting an additional background
34 check pursuant to Section 11105 or prohibiting employment based
35 on criminal history that does not appear as part of obtaining a
36 certificate of eligibility, provided however, that the local
37 jurisdiction may not charge a fee for the additional criminal history
38 check.

39 (E) The licensee shall prohibit any agent who the licensee
40 knows or reasonably should know is within a class of persons

1 prohibited from possessing firearms pursuant to Section 12021 or
2 12021.1 of this code, or Section 8100 or 8103 of the Welfare and
3 Institutions Code, from coming into contact with any firearm that
4 is not secured and from accessing any key, combination, code, or
5 other means to open any of the locking devices described in clause
6 (ii) of subparagraph (G) of this paragraph.

7 (F) Nothing in this paragraph shall be construed as preventing
8 a local government from enacting an ordinance imposing
9 additional conditions on licensees with regard to agents.

10 (G) For purposes of this section, the following definitions shall
11 apply:

12 (i) An “agent” is an employee of the licensee.

13 (ii) “Secured” means a firearm that is made inoperable in one
14 or more of the following ways:

15 (I) The firearm is inoperable because it is secured by a firearms
16 safety device listed on the department’s roster of approved
17 firearms safety devices pursuant to subdivision (d) of Section
18 12088 of this chapter.

19 (II) The firearm is stored in a locked gun safe or long-gun safe
20 which meets the standards for department-approved gun safes set
21 forth in Section 12088.2.

22 (III) The firearm is stored in a distinct locked room or area in
23 the building that is used to store firearms that can only be unlocked
24 by a key, a combination, or similar means.

25 (IV) The firearm is secured with a hardened steel rod or cable
26 that is at least one-eighth of an inch in diameter through the trigger
27 guard of the firearm. The steel rod or cable shall be secured with
28 a hardened steel lock that has a shackle. The lock and shackle shall
29 be protected or shielded from the use of a bolt cutter and the rod
30 or cable shall be anchored in a manner that prevents the removal
31 of the firearm from the premises.

32 (c) (1) As used in this article, “clear evidence of his or her
33 identity and age” means either of the following:

34 (A) A valid California driver’s license.

35 (B) A valid California identification card issued by the
36 Department of Motor Vehicles.

37 (2) As used in this section, a “secure facility” means a building
38 that meets all of the following specifications:

39 (A) All perimeter doorways shall meet one of the following:

1 (i) A windowless steel security door equipped with both a dead
2 bolt and a doorknob lock.

3 (ii) A windowed metal door that is equipped with both a dead
4 bolt and a doorknob lock. If the window has an opening of 5 inches
5 or more measured in any direction, the window shall be covered
6 with steel bars of at least $\frac{1}{2}$ inch diameter or metal grating of at
7 least 9 gauge affixed to the exterior or interior of the door.

8 (iii) A metal grate that is padlocked and affixed to the licensee's
9 premises independent of the door and doorframe.

10 (B) All windows are covered with steel bars.

11 (C) Heating, ventilating, air-conditioning, and service
12 openings are secured with steel bars, metal grating, or an alarm
13 system.

14 (D) Any metal grates have spaces no larger than 6 inches wide
15 measured in any direction.

16 (E) Any metal screens have spaces no larger than 3 inches wide
17 measured in any direction.

18 (F) All steel bars shall be no further than 6 inches apart.

19 (3) As used in this section, "licensed premises," "licensed
20 place of business," "licensee's place of business," or "licensee's
21 business premises" means the building designated in the license.

22 (4) For purposes of paragraph (17) of subdivision (b):

23 (A) A "firearms transaction record" is a record containing the
24 same information referred to in subdivision (a) of Section
25 178.124, Section 178.124a, and subdivision (e) of Section
26 178.125 of Title 27 of the Code of Federal Regulations.

27 (B) A licensee shall be in compliance with the provisions of
28 paragraph (17) of subdivision (b) if he or she maintains and makes
29 available for inspection during business hours to any peace officer,
30 authorized local law enforcement employee, or Department of
31 Justice employee designated by the Attorney General, upon the
32 presentation of proper identification, the bound book containing
33 the same information referred to in Section 178.124a and
34 subdivision (e) of Section 178.125 of Title 27 of the Code of
35 Federal Regulations and the records referred to in subdivision (a)
36 of Section 178.124 of Title 27 of the Code of Federal Regulations.

37 (d) Upon written request from a licensee, the licensing
38 authority may grant an exemption from compliance with the
39 requirements of paragraph (14) of subdivision (b) if the licensee
40 is unable to comply with those requirements because of local

1 ordinances, covenants, lease conditions, or similar circumstances
2 not under the control of the licensee.

3 (e) (1) Except as otherwise provided in this paragraph, the
4 Department of Justice shall keep a centralized list of all persons
5 licensed pursuant to subparagraphs (A) to (E), inclusive, of
6 paragraph (1) of subdivision (a), and all persons who have
7 submitted information pursuant to subdivision (a) of Section
8 12083. The department may remove from this list any person who
9 knowingly or with gross negligence violates this article. Upon
10 removal of a dealer from this list, notification shall be provided to
11 local law enforcement and licensing authorities in the jurisdiction
12 where the dealer's business is located.

13 (2) The department shall remove from the centralized list any
14 person whose federal firearms license has expired or has been
15 revoked.

16 (3) Information compiled from the list shall be made available,
17 upon request, for the following purposes only:

18 (A) For law enforcement purposes.

19 (B) When the information is requested by a person licensed
20 pursuant to Chapter 44 (commencing with Section 921) of Title 18
21 of the United States Code for determining the validity of the
22 license for firearm shipments.

23 (C) When information is requested by a person promoting,
24 sponsoring, operating, or otherwise organizing a show or event as
25 defined in Section 178.100 of Title 27 of the Code of Federal
26 Regulations, or its successor, who possesses a valid certificate of
27 eligibility issued pursuant to Section 12071.1, if that information
28 is requested by the person to determine the eligibility of a
29 prospective participant in a gun show or event to conduct
30 transactions as a firearms dealer pursuant to subparagraph (B) of
31 paragraph (1) of subdivision (b).

32 (4) Information provided pursuant to paragraph (3) shall be
33 limited to information necessary to corroborate an individual's
34 current license status as being one of the following:

35 (A) A person licensed pursuant to subparagraphs (A) to (E),
36 inclusive, of paragraph (1) of subdivision (a).

37 (B) A person licensed pursuant to Chapter 44 (commencing
38 with Section 921) of Title 18 of the United States Code and who
39 is not subject to the requirement that he or she be licensed pursuant



1 to subparagraphs (A) to (E), inclusive, of paragraph (1) of
2 subdivision (a).

3 (f) The Department of Justice may inspect dealers to ensure
4 compliance with this article. The department may assess an annual
5 fee, not to exceed one hundred fifteen dollars (\$115), to cover the
6 reasonable cost of maintaining the list described in subdivision (e),
7 including the cost of inspections. Dealers whose place of business
8 is in a jurisdiction that has adopted an inspection program to ensure
9 compliance with firearms law shall be exempt from that portion of
10 the department's fee that relates to the cost of inspections. The
11 applicant is responsible for providing evidence to the department
12 that the jurisdiction in which the business is located has the
13 inspection program.

14 (g) The Department of Justice shall maintain and make
15 available upon request information concerning the number of
16 inspections conducted and the amount of fees collected pursuant
17 to subdivision (f), a listing of exempted jurisdictions, as defined
18 in subdivision (f), the number of dealers removed from the
19 centralized list defined in subdivision (e), and the number of
20 dealers found to have violated this article with knowledge or gross
21 negligence.

22 (h) Paragraph (14) or (15) of subdivision (b) shall not apply to
23 a licensee organized as a nonprofit public benefit or mutual benefit
24 corporation organized pursuant to Part 2 (commencing with
25 Section 5110) or Part 3 (commencing with Section 7110) of
26 Division 2 of the Corporations Code, if both of the following
27 conditions are satisfied:

28 (1) The nonprofit public benefit or mutual benefit corporation
29 obtained the dealer's license solely and exclusively to assist that
30 corporation or local chapters of that corporation in conducting
31 auctions or similar events at which firearms are auctioned off to
32 fund the activities of that corporation or the local chapters of the
33 corporation.

34 (2) The firearms are not pistols, revolvers, or other firearms
35 capable of being concealed upon the person.

36 (i) (1) For every verification inquiry made pursuant to
37 paragraph (1) of subdivision (f) of Section 12072, the department
38 shall determine whether the intended recipient possesses an
39 appropriate, valid license issued pursuant to Chapter 44
40 (commencing with Section 921) of Title 18 of the United States



1 Code and, if applicable, is properly licensed pursuant to this
2 section.

3 (2) If the intended recipient possesses an appropriate, valid
4 license issued pursuant to Chapter 44 (commencing with Section
5 921) of Title 18 of the United States Code, and if applicable, is
6 properly licensed pursuant to this section, the department shall
7 immediately provide a unique verification number to the inquiring
8 party.

9 (3) If the intended recipient does not possess an appropriate,
10 valid license issued pursuant to Chapter 44 (commencing with
11 Section 921) of Title 18 of the United States Code, or if applicable,
12 is not properly licensed pursuant to this section, the department
13 shall do all of the following:

14 (A) Immediately notify the inquiring party of that fact.

15 (B) Within 24 hours, notify the chief law enforcement officer
16 of the jurisdiction where the address on the federal firearms license
17 about which the inquiry was made is located, and notify an
18 appropriate employee of the federal Bureau of Alcohol, Tobacco
19 and Firearms of the denied verification.

